

**Correspondence Between
Staff and Applicant
Approval Letter**



4/16/19

George Pasquel III
George Pasquel III
2525 East Arizona Biltmore Cir
Phoenix, AZ 85016

RE: 2-UP-2019
Sunday Goods
98T21 (Key Code)

Dear Mr. Pasquel:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 3/6/19. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. **Please Note:** The current zoning designation of the subject property (C-2/P-3 DO & P-2 DO) does not allow for a medical marijuana use. This application is dependent on another application (5-ZN-2019) receiving approval. The below comments are based on this assumption and are only valid under the condition that the companion zoning case receives approval.
2. Please revise the project narrative to address all conditional use permit criteria in accordance with Zoning Ordinance Sections 1.401.C. and 1.403.M.2. The submitted project narrative does not provide any information regarding 1.403.M.2.b.(2) – 1.403.M.2.b.(5).
3. In accordance with Zoning Ordinance Section 1.403.M.2.b., a medical marijuana dispensary may not be located within 1,500 feet of any preschool. There is an existing preschool (Perform to Learn) located at 4221 N. Winfield Scott Plaza. This application cannot move forward if in conflict with a required buffer.
4. In accordance with Zoning Ordinance Section 1.403.M.2.b., a medical marijuana dispensary may not be located within 1,500 feet of any place of worship. There is an existing place of worship (Christian Science Reading Room) located at 4301 N. Winfield Scott Plaza. This application cannot move forward if in conflict with a required buffer.

5. In accordance with Zoning Ordinance Section 1.403.M.2.a., all operations of a medical marijuana dispensary must be conducted within a completely enclosed building. However, the submitted plans and project narrative describe and illustrate a second level outdoor patio area that extends off the "patient only" access area. Please provide additional information as to how the proposed outdoor patio meets this requirement.
6. Please revise the site plan and/or provide additional documentation as necessary to demonstrate the existing building and proposed additions are in conformance with Zoning Ordinance Table 5.3006.C.1. and Section 5.3006.F1.b. for building setbacks and building location.
7. Please revise the building elevations and/or provide additional documentation as necessary to demonstrate the existing building and proposed additions are in conformance with Zoning Ordinance Section 5.3006.H.3., regarding building setbacks.
8. Please revise the parking calculations and the proposed site plan to provide a minimum of 4% of the provided parking as accessible parking, in accordance with Zoning Ordinance Section 9.105.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

9. Please revise the site plan to provide at least one (1) refuse enclosure to serve the development, in accordance with the Design Standards & Policies Manual Section 2-1.309., or provide a refuse plan and associated agreements that identify maintenance of an existing off-site agreement. Refuse design should be in compliance with the following standards:

Circulation:

10. Please revise the site plan to identify an additional two (2) foot alley dedication adjacent to the eastern property line, in accordance with the Design Standards & Policies Manual Sections 2-1.601. and 5-3.800.
11. Please revise the site plan so that all new sidewalks are a minimum width of six (6) feet, in accordance with the Design Standards & Policies Manual Section 2-1.808.

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

12. The proposed site plan identifies the required parking ratio for the "retail" use. Medical marijuana is considered a "medical office" use. Please revise the use classification identified on the site plan.

13. The building area tabulations in the site data are inconsistent. One section calls out the "proposed building area" at 4,291 SF and then another section calls out the "building addition area" at 3,890 SF. Please clarify and revise the site data accordingly.

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional information is necessary.

PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2258 or at bcluff@ScottsdaleAZ.gov.

Sincerely,


Bryan Cluff
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: **2-UP-2019**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

Digital submittals shall include one copy of each identified below.

- ☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised Narrative for Project
- ☒ One copy: Commitment for Title Insurance

☒ Context Aerial with the proposed Site Plan superimposed

Color	<u>2</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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☒ Site Plan:

<u>8</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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☒ Elevations:

Color	<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
B/W	<u> </u>	24" x 36"	<u> </u>	11" x 17"	<u> </u>	8 ½" x 11"

☒ Landscape Plan:

Color	<u> </u>	24" x 36"	<u> </u>	11" x 17"	<u> </u>	8 ½" x 11"
B/W	<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"

Cluff, Bryan

From: Curtis, Tim
Sent: Friday, November 08, 2019 11:25 AM
To: Wilson, Margaret; Cluff, Bryan
Subject: FW: 652-PA-2018; 4255 N. Winfield Scott Plaza

From: Curtis, Tim
Sent: Wednesday, August 29, 2018 11:52 AM
To: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: FW: 652-PA-2018; 4255 N. Winfield Scott Plaza

From: Curtis, Tim
Sent: Friday, August 24, 2018 3:31 PM
To: George Pasquel (george@witheymorris.com) <george@witheymorris.com>
Cc: Cluff, Bryan <BCluff@Scottsdaleaz.gov>
Subject: 652-PA-2018; 4255 N. Winfield Scott Plaza

George,

Thanks for your patience regarding the scheduling of your preapplication meeting for 652-PA-2018 (4255 N. Winfield Scott Plaza).

An initial concern is whether the proposed C-O district is consistent with other rezoning cases in downtown. Downtown zoning changes over the past 13 years resulted in the underlying district to be a "D" subdistrict (the past 45 cases). The few handful exceptions to the D subdistrict were instances where a property/building had two zoning districts, or a P-2 supplemental district was removed, so those minor cases were done to "clean up" the zoning record.

I understand that none of the D subdistricts allow for medical marijuana, which is why the C-O district is proposed.

Another concern is that, in May 2016, the City Council themselves initiated a zoning ordinance text amendment to the Medical Marijuana ordinance to reinforce the requirements. The link to the case is below:

<https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/46218>

We will schedule the pre-app soon; just wanted you to be aware of these issues to help you decide how to proceed. Let me know if you have any questions.

Thanks,
Tim Curtis

Cluff, Bryan

From: Cluff, Bryan
Sent: Wednesday, February 27, 2019 10:39 AM
To: 'George Pasquel'
Subject: 652-PA-2018 Winfield Scott MMJ

Importance: High

George,

A recent article was published regarding the potential for a medical marijuana facility to be located at the subject site for 652-PA-2018. As a result I have been receiving inquiries regarding the proposal. One of the nearby property owners brought to my attention a preschool that is located nearby on Winfield Scott (4221 N. Winfield Scott Plaza). See map below. Preschools are a protected use and a MMJ facility cannot be located within 1500 feet. This preschool appears to be only about 300 feet away from the proposed facility.

Thank you,

Bryan D. Cluff, LEED AP

Senior Planner

City of Scottsdale

Planning & Development

Phone: 480-312-2258

Fax: 480-312-7088

bcluff@ScottsdaleAZ.gov

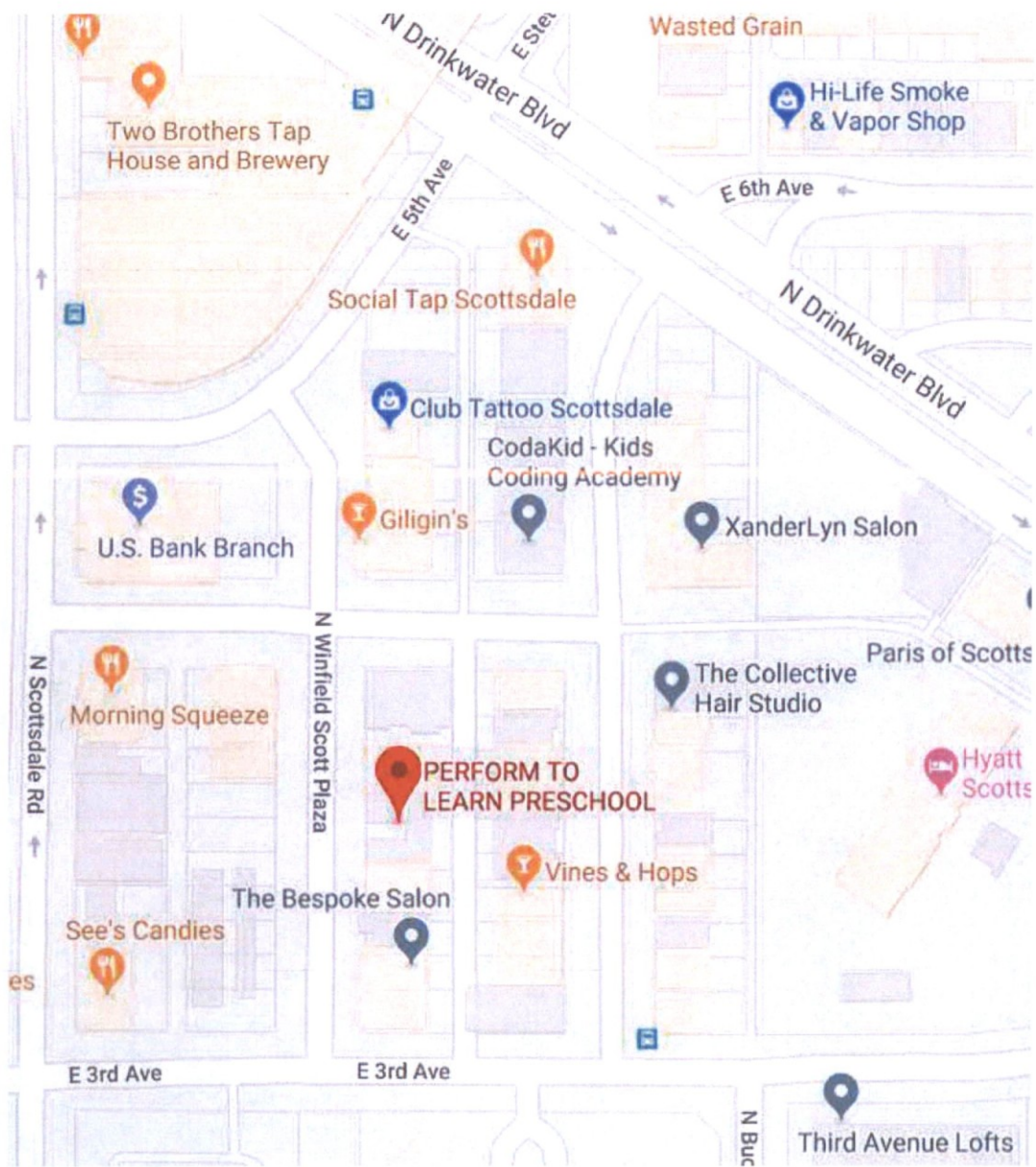
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Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 3/6/19
Contact Name: George PASQUEL
Firm Name: Withay Morris
Address: _____
City, State, Zip: _____

RE: Application Accepted for Review.

652 - PA - 2018

Dear George:

It has been determined that your Development Application for Sunday Goods has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: BRYAN CLUFF
Title: SR. PLANNER
Phone Number: (480) 312 - 2258
Email Address: bcluff @ScottsdaleAZ.gov

2-UP-2019
3/6/2019

March 14, 2019

Response to 1st Review Comments dated 4/16/19
2-UP-2019 – Sunday Goods
(associated case 5-ZN-2019)

Zoning Ordinance and Scottsdale Revise Code Significant Issues

Zoning:

1. **Please Note:** The current zoning designation of the subject property (C-2/P-3 DO & P-2 DO) does not allow for a medical marijuana use. This application is dependent on another application (5-ZN-2019) receiving approval. The below comments are based on this assumption and are only valid under the condition that the companion zoning case receives approval.

ACKNOWLEDGED.

2. Please revise the project narrative to address all conditional use permit criteria in accordance with Zoning Ordinance Sections 1.401.C. and 1.403.M.2. The submitted project narrative does not provide any information regarding 1.403.M.2.b.(2) – 1.403.M.2.b.(5).

THE CONDITIONAL USE PERMIT PROJECT NARRATIVE HAS BEEN REVISED TO ADDRESS THESE SECTIONS OF THE ZONING ORDINANCE.

3. In accordance with Zoning Ordinance Section 1.403.M.2.b., a medical marijuana dispensary may not be located within 1,500 feet of any preschool. There is an existing preschool (Perform to Learn) located at 4221 N. Winfield Scott Plaza. This application cannot move forward if in conflict with a required buffer.

THE CONDITIONAL USE PERMIT PROJECT NARRATIVE HAS BEEN REVISED TO ADDRESS THIS SECTION OF THE ZONING ORDINANCE. AS NOTED IN THE NARRATIVE, THE EXISTING PRESCHOOL WILL BE RELOCATING OUTSIDE OF THE 1,500-FOOT BUFFER. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR THE DISPENSARY, THE APPLICANT WILL OBTAIN A VARIANCE FROM THIS PROTECTED USE OR THE PROTECTED USE WILL CEASE OPERATIONS.

4. In accordance with Zoning Ordinance Section 1.403.M.2.b., a medical marijuana dispensary may not be located within 1,500 feet of any place of worship. There is an existing place of worship (Christian Science Reading Room) located at 4301 N. Winfield Scott Plaza. This application cannot move forward if in conflict with a required buffer.

THE CONDITIONAL USE PERMIT PROJECT NARRATIVE HAS BEEN REVISED TO ADDRESS THIS SECTION OF THE ZONING ORDINANCE. AS NOTED IN THE NARRATIVE, THE CHRISTIAN SCIENCE READING ROOM DOES NOT FUNCTION AS A PLACE OF WORSHIP AS DEFINED BY CITY ORDINANCE. NONETHELESS, THE CSRR WILL BE VACATING THIS SPACE AND THE APPLICANT, AS PART OF THE

OVERALL IMPROVEMENTS TO THIS CORNER, PLANS RENOVATE THE CSRR SPACE INTO A CAFÉ/RETAIL SPACE.

5. In accordance with Zoning Ordinance Section 1.403.M.2.a., all operations of a medical marijuana dispensary must be conducted within a completely enclosed building. However, the submitted plans and project narrative describe and illustrate a second level outdoor patio area that extends off the "patient only" access area. Please provide additional information as to how the proposed outdoor patio meets this requirement.

THE SECOND FLOOR, INCLUDING THE PATIO AREA, HAS BEEN REMOVED FROM THE PROJECT. THE BUILDING NOW FUNCTIONS AS A 1-STORY SPACE. THE EXTERIOR ELEVATION DESIGN REMAINS THE SAME, WITH THE WINDOWS ABOVE FUNCTIONING AS A CLERESTORY LIGHTING IN ORDER TO LET LIGHT TO THE 1ST FLOOR SPACE BELOW.

6. Please revise the site plan and/or provide additional documentation as necessary to demonstrate the existing building and proposed additions are in conformance with Zoning Ordinance Table 5.3006.C.1. and Section 5.3006.F1.b. for building setbacks and building location.

THE PROPOSED PROJECT STAYS WITHIN THE BOUNDS OF THE EXISTING BUILDING FOOTPRINT, AND MAINTAINS THE EXISTING CONDITION AND SETBACKS PER SEC7.201 B.1 AND 5.3006.I.5

7. Please revise the building elevations and/or provide additional documentation as necessary to demonstrate the existing building and proposed additions are in conformance with Zoning Ordinance Section 5.3006.H.3., regarding building setbacks.

THE BUILDING IS IN CONFORMANCE WITH 5.3006.H.3. SEE SHEET A4.2.1 FOR ILLUSTRATED CONFORMANCE WITH SETBACKS.

8. Please revise the parking calculations and the proposed site plan to provide a minimum of 4% of the provided parking as accessible parking, in accordance with Zoning Ordinance Section 9.105.

THE PARKING CALCULATIONS HAVE BEEN REVISED TO CORRESPOND TO PARCEL 173-51-072A ONLY. 4% OF 14.61 SPACES ARE REQUIRED, WHICH WOULD BE .58 SPACES, ROUNDED UP TO 1 SPACE REQUIRED. ONE ADA SPACE IS PROVIDED, SEE A1.1.1 SITE PLAN.

Significant Policy Related Issues

Site Design:

9. Please revise the site plan to provide at least one (1) refuse enclosure to serve the development, in accordance with the Design Standards & Policies Manual Section 2-1.309., or provide a refuse plan and associated agreements that identify maintenance of an existing off-site agreement. Refuse design should be in compliance with the following standards:

REFUSE ENCLOSURE ADDED TO THE SITE PLAN, CONFORMING TO CITY OF SCOTTSDALE DETAIL 2146-1. SEE SHEET A1.1.1

Circulation:

10. Please revise the site plan to identify an additional two (2) foot alley dedication adjacent to the eastern property line, in accordance with the Design Standards & Policies Manual Sections 2-1.601. and 5-3.800.

THE 2'-0" ALLEY DEDICATION HAS BEEN ADDED TO THE SITE PLAN. SEE SHEET A1.1.1

11. Please revise the site plan so that all new sidewalks are a minimum width of six (6) feet, in accordance with the Design Standards & Policies Manual Section 2-1.808.

NEW SIDEWALKS ARE SHOWN WITH A MINIMUM OF 6' IN WIDTH. SEE SITE PLAN SHEET A1.1.1

Technical Corrections

Site:

12. The proposed site plan identifies the required parking ratio for the "retail" use. Medical marijuana is considered a "medical office" use. Please revise the use classification identified on the site plan.

THE USE CLASSIFICATION HAS BEEN REVISED TO MEDICAL OFFICE.

13. The building area tabulations in the site data are inconsistent. One section calls out the "proposed building area" at 4,291 SF and then another section calls out the "building addition area" at 3,890 SF. Please clarify and revise the site data accordingly.

SITE AND FLOOR PLAN DATA HAVE BEEN CLARIFIED. BUILDING SF IS 2,310 SF.